

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, June 18 2007

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger,
P. Plante, B. Ryan, G. Zimmer

Alternates present: M. Beal, L. Lombard, B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:12 p.m. Favretti noted that if necessary, Alternate Beal will act if a member is disqualified.

Holt MOVED, Gardner seconded, to add to the Agenda under Old Business, item #7- Wild Rose, File #1113-3. MOTION PASSED UNANIMOUSLY.

Minutes:

6/4/07- Hall MOVED, Gardner seconded, to approve the 6/4/07 PZC meeting minutes as written. MOTION PASSED with all in favor, except Goodwin and Plante who were disqualified.

6/11/07-Field Trip - Holt MOVED, Ryan seconded, to approve the minutes as corrected. MOTION PASSED with Favretti, Gardner, Ryan, Holt and Lombard in favor and all others disqualified.

Scheduled Business:

Zoning Agent's Report

A.- B. were noted. Hirsch updated the Commission that very little activity has occurred at the Edward Hall gravel site, and noted that building plans have been submitted for the Eric Hall site. Pociask questioned if any new activity has occurred at the Paideia site. Hirsch stated that the Building Official allowed the pouring of the remaining section of wall in order to complete that section and remove the forms in place. He also noted that the Building Department and Zoning Office are both waiting on revised plans, and no further activity will be allowed until these plans have been submitted and approved. Gardner asked about the number of junk vehicles observed at the Hall site during the Field Trip. It was pointed out that this issue was not related to the sand and gravel permit,

and the Zoning Agent was asked to determine if any violations have occurred with regard to other zoning regulations. Hirsch agreed to report back at the next meeting.

7:10 p.m. Presentation by Paula Stahl from the Green Valley Institute on Open Space Subdivisions

Gregory Padick, Director of Planning, introduced Paula Stahl of the Green Valley Institute, Community Design Educator. Stahl gave the Commission the history of her background. She explained how the Green Valley Institute exists to help the Quinebaug-Shetucket National Heritage Corridor communities and citizens sustain their environmental and quality of life while growing their economies. Prior to the meeting, she reviewed Mansfield's Subdivision and Zoning Regulations as well as the 2006 Plan of Conservation and Development, and pointed out the strengths and weaknesses in the Subdivision Regulations. To correct a weakness she found in the approval process, she would encourage Mansfield to include a two-step preliminary review procedure consisting of a concept review and a preliminary review in order to ascertain if an applicant's plan meets the goals of the Town, as well as those of the developer, and that any problems found would be identified early in the process. This procedure would involve the collaboration of advisory committees, the developer and his consultants, including a landscape architect. A brief question and answer period followed regarding the benefits of this process. She also noted that she identified some minor technical issues that should be changed in the Subdivision Regulations and she will pass them on to the Director of Planning.

Quentin Kessel, of the Mansfield Conservation Commission, noted that establishing a preliminary review process would be helpful to the Conservation Commission and other advisory committees.

Stahl concluded her presentation noting that Mansfield's Subdivision Regulations are well written and offered her assistance if the Commission would like any further information or help.

Old Business:

Application to amend the Zoning Regulations; Storrs Center Alliance and Mansfield Downtown Partnership, applicants, File #1256

With no discussion, Kochenburger MOVED, Hall seconded, to approve, subject to revisions noted below, the February 15, 2007 application of the Mansfield Downtown Partnership Inc., and Storrs Center Alliance LLC, to amend various sections of the Mansfield Zoning Regulations as submitted to the Commission and heard at Public Hearings on March 28, April 5, April 26 and May 21, 2007. The subject regulation amendments shall become effective as of July 15, 2007 or upon subsequent filing on the Mansfield Land Records.

The Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the

Connecticut General Statutes, including Section 8-2, which provides the Commission with:

- The authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
 - The authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
 - The mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
 - The mandate to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements;
 - The mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
 - The authority that reasonable consideration be given for the protection of existing and potential public surface and ground drinking water supplies;
 - The authority to encourage energy-efficient patterns of development.
1. The subject Storrs Center Special Design District Regulations promote goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The revisions also are consistent with goals and recommendations contained in the 2002 Windham Region Land Use Plan, and the 2005-2010 Conservation and Development Policies Plan for Connecticut.
 2. The approved revisions are acceptably worded and appropriately coordinated with other provisions of Mansfield's Zoning Regulations. The revisions have been determined to be legally acceptable by the Town Attorney.
 3. The approved revisions are consistent with the approved Municipal Development Plan for the Storrs Center Project.
 4. The approved revisions include new and detailed application requirements and approval processes for creating new Storrs Center Special Design Districts and for authorizing new development within an approved district. The approved regulations are

considered adequate and appropriate for regulating future development in the subject project area.

The applicant's February 15, 2007 "Proposed Revisions to Mansfield's Zoning Regulations" shall be revised to incorporate revisions listed below. These revisions address issues raised in the Public Hearing process and are necessary to appropriately regulate the subject Storrs Center project.

1. Items 1 through 9 listed in Exhibit 1 of the applicant's May 15, 2007 letter as "Conditions of Approval acceptable to the Co-Applicants", shall be incorporated into the final text;
2. Proposed Article X, Section T.4.a. (iii) shall be revised to delete, "including private residence clubs";
3. Proposed Article X, Section T.4.a. (xxvi) shall be revised to read as follows: Private clubs, such as university faculty clubs, university graduate clubs and clubs for civic or religious organizations, with or without residential units, but excluding clubs or housing for student fraternities, sororities and other student groups.
4. Proposed Article X, Section T.4.a. (xix) shall be revised to read as follows: Live music, whether as a principal or accessory use, provided no live music is performed outside after midnight, and there shall be no use of outside speakers after midnight.

Discussion began, and Zimmer noted that he would like the hours of live music to be limited during the weekdays and expanded on the weekends, and he also expressed concern about excluding clubs and housing for students. Extensive discussion between members occurred, especially on the proposed Condition #4 regarding live music. To settle the issue, Goodwin MOVED, Favretti seconded, to amend the motion made by Kochenburger to remove Condition #4 regarding live music. MOTION PASSED with Kochenburger, Favretti, Goodwin, Plante, and Ryan in favor of removal, and Gardner, Holt, Zimmer and Hall opposed.

Motion now stood on the floor as Kochenburger read it, minus Condition #4 regarding Live Music. MOTION PASSED UNANIMOUSLY.

Application to amend the Zoning Map to create a new Storrs Center Special Design District, Storrs Center Alliance and Mansfield Downtown Partnership, applicants, File #1257

With no discussion, Kochenburger MOVED, Holt seconded, to approve, subject to revisions noted below, the February 15, 2007 application of the Mansfield Downtown Partnership Inc., and Storrs Center Alliance LLC., to rezone 47.7 acres of land east of Storrs Road and south of Dog Lane from Planned Business 2, Professional Office 1 and Rural Agricultural Residence 90 to Storrs Center Special Design District, as submitted to the Commission and as heard at Public Hearings on March 28, April 5, April 26 and May 21, 2007. The subject rezoning shall become effective as of July 15, 2007 or upon

subsequent filing of approved maps, reports and design standards that, based on the provisions of Article X, Section T of the Zoning Regulations, are directly associated with the subject rezoning approval.

In approving this application the Planning and Zoning Commission has considered all Public Hearing testimony and communications. The approved Storrs Center Special Design District zone is adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which provides the Commission with:

- The authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- The authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- The mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- The mandate to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements;
- The mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- The authority that reasonable consideration be given for the protection of existing and potential public surface and ground drinking water supplies;
- The authority to encourage energy-efficiency patterns of development.

This zoning map revision has been adopted because it promotes these statutory goals and other zoning “purposes” cited in Article One of Mansfield’s Zoning Regulations. Furthermore, the Commission has adopted the new Storrs Center Special Design District based on the following findings and reasons of approval:

1. The public and Commission members have expressed significant concern over the impacts this project will have on area neighborhoods and roads. This approval action has been taken based upon the Town Traffic Authority commitment to proactively monitor and appropriately address impacts on local roads. Since this project is the most important alteration to this area of Storrs Road in the last 50 years and may have an unprecedented

impact on local Mansfield roads, the Traffic Authority will need to consider a variety of traffic calming methods and increased enforcement on surrounding Town roads, including methods and commitments that have historically not been considered necessary or appropriate.

2. The public and Commission members have expressed significant concern about the capacity of the University of Connecticut's water supply system and its ability to safely serve this project. This approval action has been taken based upon information submitted by the applicant and University of Connecticut representatives, including May 2006 letters with information contained in a draft UConn Water and Wastewater Master Plan, indicating that the UConn water supply and sewage disposal systems have adequate capacity for the proposed Storrs Center project. Furthermore, this draft Master Plan indicates that university officials are proactively pursuing water conservation initiatives, including the potential use of wastewater effluent for cooling and other uses that will reduce potable water needs and help ensure long term capacity for all committed and identified potential projects in the subject service area.

3. The subject Storrs Center Special Design District rezoning promotes goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The new zone also is considered consistent with goals and recommendations contained in the 2002 Windham Regional Land Use Plan and the 2005-2010 Conservation and Development Policies for Connecticut.

4. The approved new zone is consistent with the approved Municipal Development Plan for the Storrs Center Project.

5. Subject to the revisions noted below, the Preliminary Master Plan maps, the Master Parking Study, the Master Traffic Study, the Master Stormwater Drainage Study and the Design Guidelines for this project provide adequate and appropriate details to address the regulatory provisions of Article X, Section T of the Zoning Regulations and the approval criteria contained or referenced in Article XIII, Section D of the Zoning Regulations.

The applicant's February 15, 2007 Zoning Map Amendment submissions shall be revised as set forth below. These revisions address issues raised through the Public Hearing process and are deemed necessary to appropriately implement the subject Storrs Center project.

1. The preliminary master plan sheets shall be revised as follows:

A. Map ZC-04 (Map Amendment Plan) shall clearly indicate that conservation areas shall be protected by a conservation easement with the Town of Mansfield or appropriate non-profit entity acceptable to the Director of Planning; that the Town's model conservation easement format shall be used as the basis for this required easement; and that the easement shall be approved and filed as part of the first phase of the development.

B. Map ZC-05 (Preliminary Master Plan) shall be revised to clearly indicate that the details of all turning lane movements into parking garages shall be addressed at the time of Zoning Permit submittal for each garage structure; and that it may be necessary to eliminate or revise depicted on-street parking near parking garage entrances and near public squares.

C. Map ZC-05 (Preliminary Master Plan) shall be revised to clearly indicate that upon permit approval by the State Traffic Commission, the State Department of Transportation, the State Department of Environmental Protection or any other State or Federal agency with regulatory jurisdiction, the Commission shall be provided an opportunity to review any revisions required by any such regulatory agency; and that pursuant to Article X, Section T.3.h of the adopted Storrs Center Design District Regulations, the Commission retains the authority to determine whether the revisions constitute significant alterations of approved plans that necessitate formal approval following the procedure to approve a Zoning Map amendment to SC-SDD.

D. Map ZC-07 (Traffic, Parking and Transit Map) shall be revised to clearly indicate that Zoning Permit applications shall include specific details for public transit and bicycle use enhancements; and that the developer, in cooperation with the Town, University of Connecticut and Windham Regional Transit District will coordinate public transit and bicycle routes and associated facilities.

E. Note 3 on Map ZC-09 (Pedestrian Facilities and Open Spaces Map) shall be revised to clearly indicate that all walking trails and other site work within the conservation area shall be detailed and approved in conjunction with Zoning Permit approvals; and that all work in the conservation area shall be consistent with best management practices for protecting vernal pools and other wetland areas.

F. Map ZC-10 (Phasing Map) shall be revised to clearly indicate that all proposed Storrs Road improvements will be completed during the construction of Phase 1 of Storrs Center. Parties responsible for these improvements may be identified.

G. Map ZC-10 (Phasing Map) shall be revised to clearly indicate that a privately owned roadway connection to the Post Office Road shall be constructed as part of Phase 1 and completed for public use before the first Certificate of Compliance is issued for the project; that this roadway shall be constructed with suitable surface, drainage, width and signage to meet Mansfield's Fire Lane Standards and to provide a safe route for public use; and that the developer shall post a bond, acceptable to the Town, to assure that this roadway can be converted to a public street, meeting all applicable Mansfield Street requirements.

2. The Master Parking Study shall be revised to incorporate the three "conditions of approval acceptable to the co-applicants" as contained in exhibit A, items 4, 5 and 6 of the applicant's May 15, 2007 letter to the Commission.

3. The Master Traffic Study shall be revised to incorporate the “conditions of approval acceptable to the co-applicants” as contained in exhibit A, item 7, of the applicant’s May 15, 2007 letter to the Commission.

4. The Design Guidelines shall be revised as follows:

A. The revisions submitted in association with the applicant’s May 15, 2007 letter to the Commission shall be incorporated except as further revised below.

B. Section 2.4.4.k regarding street lighting shall be revised to label all dimensions as maximum height.

C. Section 3.10.5.c (4) regarding the maximum percentage of window sign coverage, shall be revised to change 33% to 25% (agreed to at 5/21/07 Public Hearing).

D. Section 3.10.5.g regarding table umbrella signs may be revised to allow brand name recognition but not other forms of advertising.

E. Section 4.2.1 regarding potential large street trees shall be revised to eliminate London Plane trees.

F. Section 4.2.3 regarding ornamental trees shall be revised to correctly label “Cornus florida” as a dogwood tree and to include a correct genus/species/cultivar for crabapple trees.

G. Section 4.2.4 regarding open space trees shall be revised to eliminate Basswood (Tilia Americana) and to replace it with another Linden species. MOTION PASSED UNANIMOUSLY.

Public Hearings:

Scheduled for 8:15 p.m.:

A. Request for driveway alterations/associated site work along Scenic Road, Moynihan Property, 112 Dog Lane File #1010-5

Chairman Favretti opened the Public Hearing at 8:37 p.m. and noted that Zimmer, Kochenburger and Alternate Pociask disqualified themselves. Alternates Beal and Lombard were appointed to act in their stead. Present were Commission members R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Ryan and Alternates Beal and Lombard. Padick read the Legal Notice as it was printed in the Chronicle on 6/5/07 and 6/13/07, and noted a 6/15/07 memo from the Director of Planning and a 6/12/07 report from Public Works Director/Tree Warden. Padick explained that this public hearing is held because of the Town’s scenic road ordinance which requires any changes to a scenic road to come before the PZC for a recommendation to be submitted to the Town Council for a final decision.

Favretti asked if the applicant had any updated plans or comments to present to the Commission. Neil Moynihan, owner and applicant of the property at 112 Dog Lane, explained that he would like to install a circular driveway as an addition to the existing one, because the sight lines for the present driveway are obscured by certain trees. Favretti and other Commission members expressed concern that the map submitted with the application was not clear as to what trees Moynihan would like removed. Moynihan indicated that removing trees labeled C&D on his plan would be satisfactory. Favretti asked about the sections of stone wall to be removed in this process. Moynihan indicated the stones will be used to enhance the existing sections of wall.

Reference was made to Hultgren's report indicating that there were other trees that he identified as not in good condition and may need removal. Moynihan indicated that his main concern was for the removal of trees labeled C&D, and at a minimum would like those removed.

Favretti added that because the plan was not clear, the members who participated on the field trip could not easily identify the trees to be removed. He asked that Moynihan work with Hultgren to properly identify on the plan those trees designated for removal.

Jane Moynihan, of 112 Dog Lane, asked the Commission to keep in mind that there will be increased traffic on Dog Lane, due to the new construction proposed for the Downtown Project.

Holt MOVED, Plante seconded, to continue the Public Hearing to July 2, 2007.
MOTION PASSED with all in favor, except Goodwin.

Public Hearings Scheduled for 8:30 p.m.:

B. Proposed Special Permit renewals for removal of material from Banis Property on Pleasant Valley Rd., (file #1221)

Chairman Favretti opened the Public Hearing at 8:57 p.m. Present were Commission members R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, G. Zimmer and Alternates Beal, Lombard and Pociask. Padick read the Legal Notice for the Banis and Hall properties as it pertains to both gravel removal permit renewals, as it was printed in the Chronicle on 6/5/07 and 6/13/07, and noted a 6/12/07 memo from Curt Hirsch, Zoning Agent and a memo from G. Meitzler, Assistant Town Engineer.

Favretti asked Mr. Banis, the applicant/owner, if he had any updated plans or comments to present to the Commission. Banis indicated that no changes from last year's application are proposed and noted that no work in Area 3 has taken place.

Favretti noted that there were no questions or comments from the public or from Commission members. Plante MOVED, Zimmer seconded, to close the Public Hearing at 9:02 p.m. MOTION PASSED UNANIMOUSLY.

C. Proposed Special Permit renewals for removal of material from Hall property on Mansfield Hollow Rd. Ext., (file #910-2)

Chairman Favretti opened the Public Hearing at 9:03 p.m. Members present were R. Favretti, B. Gardner, J. Goodwin, K. Holt, P. Plante, B. Ryan, G. Zimmer and Alternates Beal, Lombard and Pociask. Members Hall and Kochenburger disqualified themselves. Padick noted that he read Legal Notice for this hearing in conjunction with the Banis hearing as it was printed in the Chronicle on 6/5/07 and 6/13/07, and noted a 6/12/07 memo from Curt Hirsch, Zoning Agent and a memo from G. Meitzler, Assistant Town Engineer.

Attorney Branse, representing the applicant, presented the Commission with a 6/18/07 letter from Martin Brogie, LEP, of Pinecrest Environmental Services, LLC, with a Ground-Water Monitoring Well Gauging report for the gravel bank area at the rear location of 35 Mansfield Hollow Road.

Gardner questioned how much gravel has been excavated, and Branse responded that approximately 200 cubic yards had been removed in the last year. Because concern was raised about approving the renewal when other violations seem to be present on the property, Padick responded that the other violations are not subject to this application and are a different issue.

Favretti noted that there were no questions or comments from the public or Commission members. Holt MOVED, Gardner seconded, to close the Public Hearing at 9:08p.m. MOTION PASSED UNANIMOUSLY.

Holt volunteered to draft motions for the next meeting.

Old Business, Continued:

Freedom Green Issues: request for release of escrow funds; authorization to begin Phase IV.C.

Padick summarized his 6/15/07 report and Favretti noted that there were no questions or comments. Holt MOVED, Gardner seconded, that the Planning and Zoning Commission authorize the release of escrow funds held to ensure completion of infrastructure and site work in Phases III and IV.A of the Freedom Green Development. Furthermore, subject to compliance with approved plans, escrow fund provisions and all applicable approval conditions and construction agreement provisions, the Commission authorizes Zoning Permits to be issued for development in Phase IV.C, as depicted on plans dated January 2, 2007 as revised to May 4, 2007. MOTION PASSED UNANIMOUSLY.

Request for increase in occupancy at Thirsty Dog Pub and Grill, 134 N. Eagleville Rd, File # 930-2

Tabled awaiting information from the applicant.

Discussion-Zoning Classification of Pleasant Valley Road area

Tabled awaiting additional information from Director of Planning.

Potential Revisions to PZC/IWA Fee schedule

Tabled awaiting staff report.

Wild Rose Estates, Section 2- request for change in occupancy, File #1113-3

Padick referenced the 6/18/07 memo from Attorney Schrager and the 6/18/07 memo from Padick, both distributed to all members at this evening's meeting. Padick summarized the memos and Favretti noted that there were no further questions or comments from Commission members. Gardner MOVED, Ryan seconded, that the PZC modify condition #4 of its 10/4/05 approval of Wild Rose Estates Section 2 to authorize up to nine Certificates of Compliance for occupancy of new homes in Section 2 subject to the following:

1. Each new home to be occupied shall be on a segment of roadway having its first layer of pavement.
2. The subdivider shall maintain safe access to all occupied lots.

MOTION PASSED UNANIMOUSLY.

New Business:

1. New Application to amend the Zoning Map by rezoning land on Storrs Rd and Middle Turnpike from PO-1 and RAR-90 to PB-3. M. Carlson, Realm Realty applicant; F and O Sanderson, S. Rogers, D. Donaldson, B. Depray, and M. Krivanec, owners. File #1259

Padick referenced the reports submitted and handed out to members this evening, and noted that the file # on the agenda was incorrect, and the correct file # is 1259. Goodwin MOVED, Holt seconded, to receive the application of Realm Realty (File #1259) to change the zone classification of 2.33 acres of land owned by F. and O. Sanderson, S. Rogers, D. Donaldson, B. Depray and M. Krivanec, located east of Storrs Road and south of Middle Turnpike from PO-1 and RAR-90 zones to a PB-3 zone, as shown on plans dated 6/6/07, and to refer said application to staff for review and comments, and to set a Public Hearing for July 16, 2007. MOTION PASSED UNANIMOUSLY.

2. Request to reduce escrow fund for phase 4B. Freedom Green File 636-4
Tabled, referred to staff.

Reports of Officers and Committees:

Favretti reported that the Town Council is embarking on a Strategic Plan and he has agreed to serve on a newly-formed planning committee for this purpose, as the representative from the PZC.

Communications and Bills:

There were no communications and bills.

Adjournment:

Favretti declared the meeting adjourned at 9:27 p.m.

Respectfully submitted,

1. Katherine K. Holt, Secretary